The BEACON SpotLight

A Study of Constitutional Issues by Topic

Issue 5: Constitutionial Separation of Powers and the Conflicting Practice of Members of Congress Taking an Oath of Office

After their election every second or sixth year, respectively, U.S. Representatives and U.S. Senators take the oath,[1] in part, that they will "support and defend the Constitution of the United States."

This biennial or sexennial occurrence (and as vacancies are filled) is not mere pomp and circumstance, but mandated by the U.S. Constitution to complete the proper delegation of governing authority, in this case over to new members of Congress.

Although the oath to support the Constitution is readily familiar and mandated within the Constitution, the current "oath of office" taken by members of Congress that they "will well and faithfully discharge the duties of the office on which [they are] about to enter" nevertheless provides Americans interested in strict construction of the Constitution with compelling evidence that things are truly amiss within government.

This is because the Constitution erects an impenetrable wall of separation between legislative members of Congress and government officers of the executive, judicial and military branches.

This wall of separation properly maintains our Republican Form of Government guaranteed to every State in the Union by Article IV, Section 4 of the U.S. Constitution; representative government by duly-elected legislative representatives empowered to act within known and knowable parameters.

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1. This term 'oath' is herein meant to also cover 'affirmations', even without explicit mention of that latter term that has no religious connotations.

Article I, Section 6, Clause 2 of the Constitution provides the primary "teeth" to enforce this constitutional separation, stating that:

> "no Person holding any Office under the United States, shall be a Member of either House during his Continuance in Office."

Because of this strict constitutional separation of powers, "no person" holding "any Office" which shall be "under the United States" shall ever be a member of either house of Congress "during his Continuance in Office."

In other words, if a person holds any office under the United States, then that person is for that reason constitutionally barred from holding a legislative seat and therefore from exercising legislative authority under the Constitution.

Given this express command of the Constitution, shouldn't Americans be at least a little concerned that (since 1863) U.S. Representatives and U.S. Senators have nevertheless taken an oath "of office" which would seemingly bar them from exercising their delegated legislative authority?

Is it simply mere coincidence that our country began drifting away from the spirit of the Constitution at the same time that members of Congress first began swearing an oath 'of office'?

Given Article I, Section 6, Clause 2, we are faced with the unsettling dilemma that either the U.S. Senators and U.S. Representatives taking this oath of office cannot be members of either house or that these legislative members don't actually hold an office "under the United States."

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Looking at the first possibility first (that the person holds an office under the United States), we realize that by holding office, they are thus constitutionally barred from being a member of either house during that same time.

This possibility cannot be maintained, however, as only duly-elected members of Congress are vested with delegated legislative powers (see Article I, Section 1 of the Constitution) — thus government under the Constitution would soon end if there were no members performing their delegated duties.

Indeed, as Supreme Court Chief Justice John Marshall long ago stated:

> "States can put an end to the government by refusing to act. They have only not to elect Senators, and it expires without a struggle."[2]

Without Senators and Representatives acting and enacting law with regularity, government cannot long continue (appropriation bills cannot be approved, government officers cannot be confirmed, electoral votes cannot be counted, etc.).

Without continuous legislative input, in other words, government soon screeches to a halt.

And since U.S. Representatives and Senators have been taking an oath of office since 1863, we know they must yet be exercising legislative authority, because government could not that long continue without necessary legislative input.

The ramification of Senators and Representatives continuing to exercise their delegated legislative authority means that the "office" which they are about to "enter" cannot possibly therefore be "under the United States" (at least as the term "United States" is understood by the Constitution).

And, of course, if the office which they are about to enter is not "under the United States," the question begging for a answer is under what authority has that office been created?

Before attempting to answer this question, it is first necessary to clearly understand the vast gulf of difference between legislative seats and government offices (whether civil or military, executive or judicial) and why the Constitution mandates this clear and separate distinction.

People working in the executive and judicial branches of government are "officers" holding government "offices," filling the corporate structure to implement the power of government for its express purposes of securing to all people the rights of life, liberty and the pursuit of happiness.

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2. *Cohens v. Virginia,* 19 U.S. 264 @ 389 (1821).

Executive Officers

The Constitution directly acknowledges that people working in the executive departments are "officers" who hold "offices," with **Article II, Section 2, Clause 1** of the Constitution stating (italics added throughout all the references that hereinafter follow [except as otherwise noted]):

> "The President…may require the Opinion, in writing, of the principal *Officer* in each of the executive Departments, upon any Subject relating to the Duties of their respective *Offices*..."

The **25th Amendment** to the U.S. Constitution also clearly refers to:

> "the principal *officers* of the executive departments."

If there are "principal" officers in the executive departments, it makes sense there would also be "inferior" officers. These inferior officers are particularly described in **Article II, Section 2, Clause 2** of the Constitution:

> "but the Congress may by Law vest the Appointment of such inferior *Officers*, as they think proper, in the President alone, in the Courts of Law, or in the Heads of Departments."

The same clause also discusses the President having power, by and with the Advice and Consent of the Senate:

> "to appoint Ambassadors, other public Ministers and Consuls, Judges of the supreme Court, and all other *Officers* of the United States, whose Appointments are not herein otherwise provided for, and which shall be established by Law."

The Constitution also repeatedly refers to the "Office" of the President (though it never directly refers to the President as an "Officer").

Article II, Section 1, Clause 1 of the Constitution provides that:

> "The executive Power shall be vested in a President of the United States of America. He shall hold his *Office* during the Term of four Years..."

Article II, Section 1, Clause 5 of the Constitution details the qualifications for the "*Office* of President."

Article II, Section 1, Clause 6 of the Constitution provides the sequence for presidential succession, in case of "the Removal of the President from *Office*," or of his "Inability to discharge the Powers and Duties of the said *Office*."

Article II, Section 1, Clause 8 of the Constitution mandates the President take the following oath or affirmation "Before he enter on the Execution of his *Office"*:

> "I do solemnly swear (or affirm) that I will faithfully execute the *Office* of President of the United States, and will to the best of my Ability, preserve, protect and defend the Constitution of the United States."

Article I, Section 3, Clause 5 of the Constitution acknowledges that the Vice-President will, in succession of the President, "exercise the *Office* of President of the United States."

The **12th Amendment** to the Constitution details:

> "But no person constitutionally ineligible to the *office* of President shall be eligible to that of Vice-President of the United States."

The **22nd Amendment** to the Constitution provides that:

> "No person shall be elected to the *office* of President more than twice, and no person who has held the *office* of President, or acted as President, for more than two years of a term to which some other person was elected President shall be elected to the *office* of President more than once. But this Article shall not apply to any person holding the *office* of President when this article was proposed by the Congress, and shall not prevent any person who may be holding the *office* of President, or acting as President, during the term within which this Article becomes operative from holding the *office* of President or acting as President during the remainder of such term."

Judicial Offices

Judges under the judicial branch of government also hold "offices" (but neither are judges ever directly referred to as "officers").

Article III, Section 1 of the U.S. Constitution provides that "The Judges…shall hold their *Offices* during good Behaviour."

Section 1 also details that:

> "The Judges…shall…receive…a Compensation, which shall not be diminished during their Continuance in *Office*."

Legislative Members

In stark opposition, the legislative branch has "members" who hold legislative "seats."

Legislative members are not (and cannot be) officers under the United States; neither are legislative seats 'offices'.

The difference between 'offices' & 'seats' and 'officers' & 'members' is fundamental; no one interested in limited government under strict construction of the whole Constitution dare underestimate this vital principle which properly enforces the separation of powers under our Republican Form of Government.

Article I, Section 2, Clause 1 of the Constitution acknowledges that:

> "The House of Representatives shall be composed of *Members*..."

"The House...shall be composed of *Members*." What further proof does one need to understand that the House of Representatives is composed of members — not officers — than these clear words of the Constitution?

Article I, Section 3, Clause 1 of the Constitution tells us that the Senate is composed of "*Senators*." Several other clauses inform us that Senators are a subset of "*members*."

Article I, Section 5, Clause 1 of the Constitution, for example, declares that:

> "*Each* House shall be the Judge…of its own *Members*, and…may be authorized to compel the Attendance of absent *Members*..."

Article I, Section 5, Clause 2 repeats the principle that both houses of Congress are composed of members:

> "*Each* House may determine the Rules of its Proceedings, punish its *Members* for disorderly Behavior, and, with the Concurrence of two thirds, expel a *Member*."

Article I, Section 5, Clause 3 of the Constitution likewise states that:

> "*Each* House shall keep a Journal of its Proceedings…and the Yeas and Nays of the *Members*…shall…be entered on the Journal."

Article II, Section 1, Clause 3 of the Constitution directs that should the electoral system fail to elect a President, then the choice shall go to the House of Representatives, a quorum of which shall consist of a "*Member* or *Members* from two thirds of the States."

Article VI, Clause 3 of the Constitution requires oaths or affirmations to support the Constitution before legislative members take their seats or executive or judicial officers enter on the execution of their offices. Clause 3 states, in part:

"The Senators and Representatives before mentioned, and the *Members* of the several State Legislatures, and all executive and judicial *Officers*, both of the United States and of the several States, shall be bound by Oath or Affirmation, to support this Constitution."

Article VI, Clause 3 accurately but separately lists legislative members of both the States and the United States apart from the executive and judicial officers (both of the States and the United States), and mandates they all be bound by oath or affirmation to support the Constitution.

Article II, Section 1, Clause 2 of the Constitution likewise accurately and separately lists Senators and Representatives apart from a "Person holding an *Office* of Trust or Profit under the United States" as persons prohibited from being appointed a presidential elector.

Section 3 of the **14th Amendment** to the U.S. Constitution likewise carefully, accurately and separately lists legislative members apart from government officers to make sure all intended parties are reached, stating:

"No person shall be a Senator or Representative in Congress, or elector of President and Vice-President, or hold any *office*, civil or military, under the United States, or under any State, who, having previously taken an oath, as a *member* of Congress, or as an *officer* of the United States, or as a *member* of any State legislature, or as an executive or judicial *officer* of any State, to support the Constitution of the United States, shall have engaged in insurrection or rebellion against the same, or given aid or comfort to the enemies thereof. But Congress may by a vote of two-thirds of each House, remove such disability."

Article I, Section 3, Clause 2 of the Constitution acknowledges that Senators hold legislative 'seats' rather than 'offices', stating, in part, that:

"The *Seats* of the Senators of the first Class shall be vacated at the Expiration of the second year..."

Finally, as covered earlier, **Article I, Section 6, Clause 2** of the Constitution contains the following definitive prohibition, which proves beyond doubt that 'members' and 'officers' are polar opposites:

"no Person holding any *Office* under the United States, shall be a *Member* of either House during his Continuance in *Office*."

This powerful clause ensures a Republican Form of government. This clause precludes any person holding any office under the United States from being a member of either House during his continuance in office.

Since no person holding any office under the United States may be a member of Congress, then the corollary holds true; no legislative member can concurrently hold any office under the United States.

No legislative member is thus ever a government officer.[3]

A Republican Form of Government is having duly elected legislative members enact laws within their powers. One can see that the Constitution forbids any (executive, judicial or military) officer of the United States from holding any legislative authority. Their very essence of being an officer precludes them from holding any legislative power whatsoever, the power to enact law.[4]

Executive officers execute (administer) laws enacted by Congress who act within their delegated powers while those persons holding judicial offices rule on cases or controversies brought before them according to enacted law.

Most every American today mistakenly believes that members of Congress are government officers who hold offices under the United States. The oath of office taken by these members serves no small part of the support structure which bolsters that false belief.

Impeachment

The idea that members of Congress could perhaps be considered officers in some sense of the word came up when Thomas Jefferson was Vice President of the United States under President John Adams.

This mattered in the pertinent case as to whether a member of Congress could be impeached in accordance with **Article II, Section 4** of the Constitution which states that:

"The President, Vice President, and all civil *Officers* of the United States, shall be removed from *Office* on Impeachment for, and Conviction of, Treason, Bribery, or other high Crimes and Misdemeanors."

It is important to realize that **Article I, Section 5, Clause 2** of the Constitution provides:

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3. House officers such as the Speaker of the House are not government officers, per se, but House or legislative officers (more on this later).

4. Every rule seems to have an exception. An exception in this case is the Vice-President of the United States is by that office (*ex officio*) made President of the Senate. When he serves in that capacity, by Article I, Section 3, Clause 4 of the Constitution, he presides over the Senate and may cast tie-breaking votes whenever that house may be "equally divided."

"Each House may determine the Rules of its Proceedings, punish its Members for disorderly Behaviour, and, with the Concurrence of two thirds, expel a Member."

Obviously, if a Senator may be impeached by the House of Representatives, then a party other than the Senate could punish the Senate's members.

Of importance in this case was whether each House determines its own order.

In a broader sense, either clauses in the Constitution have meaning, or they don't.

In the pertinent case, Jefferson, as Vice President of the United States, served as President of the Senate during the impeachment trial of Senator William Blount over matters of foreign intrigue involving land speculation.

Senator Blount was expelled by the Senate and impeached by the House of Representatives.

The question as to whether the House of Representatives had authority to impeach a Senator was brought up immediately and even before impeachment.

It was decided in the House that the question as to whether or not they had power to impeach a Senator could only be "ripe" for consideration if there were sufficient votes to impeach Blount (if there were insufficient votes to impeach, then it wouldn't matter if they had the authority).

Thus, the House deliberated on whether Senator Blount deserved impeachment as if they had such power and the vote succeeded (without answering whether they had the power).

Argument then went to the Senate to try the impeachment, which case turned on whether the House had authority to impeach a Senator.

Senator Blount's defense was that:

"a Senator is not an officer of the United States; and that no persons but the President, Vice President and civil officers are liable, by the Constitution, to impeachment."[5]

The House Manager prosecuting the impeachment trial, James Bayard, admitted his daunting challenge, but nevertheless centered his creative argument thusly (italics in original):

Now, it is clear that…a Senator is not an officer *under* the Government…of the United States, but still he may be an officer *of* the United States" (and thus subject to impeachment under Article II, Section 4).[6]

The Senate, sitting under oath as the High Court of Impeachment, ruled that they had no jurisdiction to try an impeachment against William Blount, a Senator; i.e., that members of Congress are neither officers under the United States nor officers of the United States.

This matter, as to whether Senators and Representatives are officers, is of great importance, for if legislative members could be thought of as officers in some sense of the word, then it would seem less of a stretch to think that officers could act somewhat equally as legislative members and could also and in some manner enact law or that held as law.

Thus one sees the fundamental error of referring to a Senator or Congressman as a government officer or inferring that they hold an office; it casts an unacceptability pall of credibility on the idea that executive (or judicial) officers may therefore act like legislative members and may also enact law or anything held as law.

But the Constitution bars any person holding any office under the United States from holding any legislative seat while they are an officer and thus bars any government officer from enacting law (except as expressly authorized by the Constitution [such as the power of the President to grant reprieves and pardons for offenses against the United States {other than in cases of impeachment} due to Article II, Section 2, Clause 1, as another example]).

The Constitution thankfully provides further clarification for those persons who doubt their own ability to understand its clear words.

Article I, Section 8, Clause 18 of the U.S. Constitution further provides that:

"The Congress shall have Power...To make all Laws which shall be necessary and proper for carrying into Execution the foregoing Powers, and all other Powers vested by this Constitution in the Government of the United States, or in any Department or Officer thereof."

Article I, Section 8, Clause 18 provides backup support for Article I, Section 6, Clause 2, again enforcing our Republican Form of Government.

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5. Volume 8, Annals of Congress, Senate, pg. 2245.

6. *Ibid*, pg. 2258.

Clause 18 is brutally clear that Congress shall enact "all" Laws for "carrying into Execution" all powers vested anywhere in Congress, the government of the United States, or in any department or officer.

Although the President is delegated express power to execute (administer/enforce) the laws of the United States (Article II, Section 1, Clause 1 and Article II, Section 3), Clause 18 nevertheless expressly provides that no one besides members of Congress are empowered to enact laws even needed for the execution of any power otherwise delegated to the President, his departments, or individual officers otherwise under his command.

It is the express power of Congress to make all Laws which are necessary and proper for carrying into execution all powers vested anywhere in government.

The Constitution, in other words, consistently enforces a Republican Form of Government — this 'separation-of-powers' kind of thing — rather seriously.

Clause 18 is often quoted by government apologists who assert Congress have residual powers of their own accord; that this clause supposedly provides evidence for this residual power.

Read properly, however, all Clause 18 really supports is that all laws must be enacted by legislative members and never by (executive or judicial) officers.

Just because the President is empowered to execute the laws of the land does not mean he may ever enact any law for carrying into execution any power delegated him.

Surely if the President cannot enact law even to execute powers expressly vested with him, neither he nor his minions can ever enact law which ever reaches We The People.

These clauses which support a Republican Form of Government show just how serious were the founding fathers regarding their Revolutionary War-era slogan "No taxation without representation."

These clauses show how seriously the framers of the Constitution followed the principles outlined in the Declaration of Independence, that governments derive their "just powers from the consent of the governed" and that the "right of Representation in the Legislature" is "inestimable" to the people.

These clauses show precisely how serious were the framers of our government opposed to tyranny, despotism and fascism, of extensive "regulation" of private industry emplaced by executive departments, government agencies, 'independent establishments' and government corporations.

Again, Article I, Section 8, Clause 18, read properly, prohibits all executive (or judicial) action within the realm of legislative authority.

A further review of the oath taken by legislative members and government officers provides us with further insight into the peculiar practice of our national legislative members taking an oath of office.

The current oath given to U.S. Representatives en masse (as one group) with the right hands raised, is:

> "Do you solemnly swear or affirm that you will support and defend the Constitution of the United States against all enemies, foreign and domestic; that you will bear true faith and allegiance to the same; that you take this obligation freely, without any mental reservation or purpose of evasion; and that you will well and faithfully discharge the duties of the *office* on which you are about to enter, so help you God?"[7]

The Congressional Record notes the same oath in the Senate, also detailing there the added formality of Senators subscribing their names in the Official Oath Book, a practice dating back to 1864.[8]

The oath simply "to support this Constitution" is actually mandated by **Article VI, Clause 3** of the U.S. Constitution, which commands that:

> "The Senators and Representatives before mentioned, and the Members of the several State Legislators, and all executive and judicial Officers, both of the United States and the several States, shall be bound by Oath or Affirmation to support this Constitution."

While this observance of oath-taking may again seem mere pomp and circumstance without great consequence to the uninformed, the Constitution signifies otherwise.

The Presidential oath of **Article II, Section 1, Clause 8** of the U.S. Constitution best provides evidence of such importance, reading:

> "*Before he enter on the Execution of his Office*, he shall take the following Oath or Affirmation:
>
> "I do solemnly swear (or affirm) that I will faithfully execute the Office of President of the United States, and will to the best of my Ability, preserve, protect and defend the Constitution of the United States."

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7. Volume 159, Congressional Record, Page H5, January 3, 2013.

8. Volume 159, Congressional Record, Page S5/ Volume 56, Senate Journal, Pages 109 - 110.

In the Presidential oath, one may easily see that the President-elect must swear to faithfully execute the office of President and promise under solemn vow that he will "preserve, protect and defend the Constitution" *before* he enter on the execution of that office and therefore *before* he may exercise his constitutionally-delegated powers as President.

Acts Regarding Oaths

The chronological history of acts regarding oaths is warranted as we delve further into this topic.

So important is the oath that the very first act of the very first session of the very first Congress was that for the regulation and administering of oaths.

Statute I, Chapter I had this to say about the oath for legislative members (and judicial or executive officers, except the President [whose oath is prescribed in the Constitution itself]):

> "That the oath or affirmation required by the sixth article of the Constitution of the United States, shall be administered in the form following, to wit:
>
> "'I, A.B. do solemnly swear or affirm (as the case may be) that I will support the Constitution of the United States'."[9]

Section 2 of that act detailed that the oath is to be administered to the legislative members:

> "*previous* to entering on any other business; and…*previous* to taking their seats."[10]

Just like the President, members of Congress have no governing authority until after they have taken their oath to support the Constitution.

Section 3 prescribed the same oath to all members of the several State legislatures, and to all executive and judicial officers of the several States.

Section 4 prescribed the same oath to all officers of the United States.

Section 5 of the 1789 act prescribes an additional oath — an oath of office — for the secretary of the Senate and for the clerk of the House of Representatives:

> "That the secretary of the Senate, and the clerk of the House of Representatives for the time being, shall, at the time of taking the oath or affirmation aforesaid, each take an oath or affirmation in the words following, to wit:
>
> " 'I, A. B. secretary of the Senate, or clerk of the House of Representatives (as the case may be) of the United States of America, do solemnly swear or affirm, that I will truly and faithfully discharge the duties of my said office, to the best of my knowledge and abilities.'"[11]

Under Section 4 of that first act, officers of the United States initially only took an oath to support the Constitution, mentioning nothing of their office or the faithful discharge of their duties of their office.

The secretary of the Senate and the clerk of the House of Representatives, however, from the onset, took the oath to support the Constitution plus an additional oath to "truly and faithfully discharge the duties" of their respective "offices" to the best of their "knowledge and abilities."[12]

The oaths mandated by the 1789 act completed the constitutional delegation of authority to legislative members and executive or judicial officers.

Once the oath to support the Constitution is given, then and only then are members and officers empowered to act with, by, and under the authority of the Constitution.

The oath is the constitutional equivalent to the signing of a binding contract; verbal acknowledgement of the powers and underlying duty to support the Constitution for every member of Congress and every office holder, rather than for their own rise to fame, fortune and power.

Whereas the Constitution strictly mandates only an oath to "support this Constitution," the current oath which pledges that the person will also "well and faithfully discharge the duties of the office" on which he or she is about to enter traces back to the Civil War era.

While this author alleges no impropriety with executive or judicial officers taking this oath "of office," he nevertheless asserts it is wholly improper for a U.S. Representative and/or U.S. Senator to do so.[13]

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9. Volume 1, Statutes at Large, Page 23.

10. *Ibid.*

11. *Ibid.*, Page 24.

12. This author does not know the full significance of why the secretary of the Senate and the clerk of the House of Representatives had to take an oath to truly and faithfully discharge the duties of their respective offices while officers under the United States then had no similar requirement.

One reason with merit is that all officers under the United States yet worked under the supervision of their ultimate superior who had taken such an oath — the President of the United States — whereas the named legislative officers didn't work under any superior who had taken an oath to faithfully discharge the duties of an office (since they respectively worked under the supervision of the Senate and House of Representatives).

13. At least without a clear delineation of exactly what office they are about to enter and under what specific authority that office was created.

Given that the Constitution references legislative officers, it is prudent to look into this matter before coming to any firm conclusions with their taking an oath of office.

Article I, Section 2, Clause 5 of the Constitution states:

> "The House of Representatives shall chuse their Speaker and other *Officers*…"

Obviously, if the House chooses its "other" officers, the Speaker of the House must also be considered an officer; the conclusion therefore being that he holds an office.

Yet this fact does not make him or those "other" officers of the House to be civil or government officers (only House or legislative officers), nor does it make the office a civil or government office (only House or legislative office).

Article I, Section 3, Clause 5 of the Constitution likewise provides for the Senate, after discussing in Clause 4 that the Vice President of the United States shall be the President of the Senate:

> "The Senate shall chuse their other *officers*, and also a President pro tempore…"

Again, these "other" Senate officers are also legislative officers, generally, or Senate officers, specifically; these officers hold offices not "under the United States", but under the Senate.

These legislative officers are not in any way equivalent with officers of the United States (civil or military, executive or judicial), however, since the legislative branch does not and cannot form any part of the government proper.

U.S. Senators and U.S. Representatives are elected within States to meet with other members from other States as they meet together in a Congress of all the States.

Since Senators and Representatives are elected in States, it is therefore the States which give them their certificates of election.

The President of the United States does not ever appoint or fill any vacant legislative seat within Congress, even as Article II, Section 2, Clause 3 of the Constitution empowers the President with the duty to "fill up all Vacancies" in all the offices of the United States "during the Recess of the Senate" (as the Senate provides necessary confirmation of principle officers when in session).

It should be noted that before the 17th Amendment was ratified in 1913, by express constitutional authority of Article I, Section 3, Clause 2, the executive officer of each State was empowered to make temporary appointments for vacant U.S. Senate seats (until the next meeting of the State legislature [which chose them originally] reconvened).

The 17th Amendment now provides that the executive authority, again in each State, is empowered to issue writs of election calling for a special election (if need be) to elect new Senators for vacant seats.

When vacancies occur in the House of Representatives, the executive of the particular State again issues a writ of election to fill those vacancies.

The President of the United States does not ever "commission" any legislative 'officer' even those members expressly referenced as an officer (such as the Speaker of the House), even though the President, under the directive of Article II, Section 3 of the Constitution, "shall Commission all the Officers of the United States" ("whose Appointments are not herein otherwise provided for, and which shall be established by Law").

Neither does the President of the United States ever commission any (regular) Senator or Representative, even though they now take an oath of office and thus are supposedly an officer of the United States.

No U.S. Senator or U.S. Representative is, or can simultaneously be, a government officer.

It is proper to look back into our history to learn more about this current oath of office which traces its roots back to the Civil War.

Before the Civil War, members of Congress (as also government officers) merely took the 14-word 1789 oath "to support" our Constitution.

On **August 6, 1861**, after onset of the Civil War, however, Congress enacted a new oath:

> "I do solemly swear (or affirm, as the case may be) that I will support, protect, and defend the Constitution and Government of the United States against all enemies, whether domestic or foreign, and that I will bear true faith, allegiance, and loyalty to the same, any ordinance, resolution, or law of any State Convention or Legislature to the contrary notwithstanding ; and further, that I do this with a full determination, pledge, and purpose, without any mental reservation or evasion whatsoever ; and further, that I will well and faithfully perform all the duties which may be required of me by law. So help me God."[14]

No "office" was therein mentioned, and the new oath was to be administered to "each and every officer, clerk, or employé" by the "heads of the several departments," as worded in Section 1 of the brief act.

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14. Volume 12, Statutes at Large, Pages 326 and 327.

The act of **July 2, 1862** modified the oath, for the first time for all officers, to specifically include the wording "to well and faithfully discharge the duties of the office on which I am about to enter." This new oath was later popularly referred to as the "**Ironclad Oath**" and was worded:

> "I, A. B., do solemnly swear (or affirm) that I have never voluntarily borne arms against the United States since I have been a citizen thereof; that I have voluntarily given no aid, countenance, counsel, or encouragement to persons engaged in armed hostility thereto; that I have neither sought nor accepted nor attempted to exercise the functions of any office whatever, under any authority or pretended authority in hostility to the United States; that I have not yielded a voluntary support to any pretended government, authority, power or constitution within the United States, hostile or inimical thereto. And I do further swear (or affirm) that, to the best of my knowledge and ability, I will support and defend the Constitution of the United States, against all enemies, foreign and domestic; that I will bear true faith and allegiance to the same; that I take this obligation freely, without any mental reservation or purpose of evasion, and that I will well and faithfully discharge the duties of the office on which I am about to enter, so help me God."[15]

It should be expressly noted that the 1862 act merely required this new oath to be taken by:

> "every person elected or appointed to any office of honor or profit under the government of the United States, either in the civil, military or naval departments of the public service, excepting the President of the United States."[16]

By the express direction of this one-section act, this 1862 act applied only to "every person elected or appointed to any office of honor or profit under the government of the United States" (excepting the President of the United States [who has his own constitutionally-prescribed oath]).

Why then, given Article I, Section 6, Clause 2 of the Constitution, did legislative members ever begin seven decades later first taking an "oath of office" when they hold legislative "seats" and when they are explicitly and expressly barred from ever holding any simultaneous "office" under the United States (it's not like Clause 2 limits 'office' in any way, used with adjectives such as 'executive', 'judicial', 'civil', 'military', 'government', etc.)?

15. Volume 12, Statutes at Large, Page 502.
16. *Ibid.*

Nothing in the 1862 oath, one will note, directly applies to legislative members, but only people holding "offices."

The crux of the matter, of course, hinges on whether legislative members are 'officers' in any appropriate sense of the word (at least other than those few legislative officers such as the Speaker of the House) and whether they hold an 'office'.

This important matter will be postponed for a moment longer, to look first at a few other legislative acts and actions.

On **July 11, 1868**, Congress enacted a new oath, for any person "who has participated in the late rebellion, and from whom all legal disabilities arising therefrom have been removed by act of Congress by a vote of two thirds of each house" but who otherwise were "elected or appointed to a office or place of trust in or under the government of the United States". The modified oath of 1868 was worded:

> "I, A.B., do solemnly swear (or affirm) that I will support and defend the Constitution of the United States against all enemies, foreign and domestic ; that I will bear true faith and allegiance to the same ; that I take this obligation freely, without any mental reservation or purpose of evasion ; and that I will well and faithfully discharge the duties of the office on which I am about to enter. So help me God."[17]

Congress directed in the act of February 15, 1871, that any person, rendered ineligible by the "provisions of the fourteenth amendment to the Constitution" (ratified July 9, 1868) to instead take the 1868 oath.[18]

Sections 1756 and 1757 of the Revised Statutes pertained to the government oaths. While Section 1756 restated the 1862 oath, Section 1757 restated the 1868 oath, detailed above.

On May 13, 1884, Congress repealed section 1756 of the Revised Statutes (and therefore the 1862 oath) and made the oath prescribed in section 1757 (the 1868 oath) the oath for any person "elected or appointed to any office of honor or profit either in the civil, military or naval service, except the President of the United States."[19]

On September 6, 1966, Congress repeated the same words of the 1868 oath and directed that oath to be taken by "An individual, except the President, elected or appointed to an office of honor or profit in the civil service or uniformed services."[20]

17. Volume 15, Statutes at Large, Page 85.
18. Volume 16, Statutes at Large, Page 412.
19. Volume 23, Statutes at Large, Page 22.
20. Volume 80, Statutes at Large, Page 424 (5 U.S.C. 333).

Since these acts of 1862, 1868, 1871, 1884 and 1966 do not provide a great deal of additional insight, a look into the House and Senate Journals is appropriate.

On December 7, 1863, the House of Representatives implemented the 1862 oath, the **House Journal** indicating that the "oath prescribed by the Constitution of the United States, and by the act of July 2, 1862" was administered to the Speaker of the House, and a "similar oath that was administered" to the Speaker "was then administered by the Speaker to the members elect."[21]

The Congressional Globe indicated that the Senate likewise began following the oath also on the December 7, 1863, as it recorded the 1862 oath being administered to the new Senator from California:

> "The VICE PRESIDENT administered the oath to support the Constitution of the United States, and also the oath of office prescribed by the act of July 2, 1862, to Mr. CONNESS, and he took his seat in the Senate."[22]

A full discussion of the propriety of the 1862 oath being taken by Senators was discussed on the day the new oath was bolstered by a new Senate Rule, January 25, 1864.

The January 25, 1864 **Senate Journal** noted:

> "*Resolved*, That the following be added to the rules of the Senate:
>
> "The oath or affirmation prescribed by the act of Congress of July 2, 1862, to be taken and subscribed before entering upon the duties of office, shall be taken and subscribed by every senator, in open Senate, before entering upon his duties."[23]

The Congressional Globe details the discussions, ably argued on the side of the Constitution by Delaware Senator Willard Saulsbury, Sr., Maryland Senator Reverdy Johnson, and Wisconsin Senator James Doolittle.[24]

On the side of the 1862 oath was the rule's sponsor, Massachusetts Senator Charles Sumner.

Although the proper constitutional points were ably argued, the record shows that 28 Senators voted in favor while only 11 opposed.

The record doesn't record the thoughts of those 27 Senators besides Sumner who voted in favor of the new rule for Senators to take the 1862 oath of office.

Therefore Americans today must search out possible answers ourselves, explaining how, given the strong words of the Constitution on this matter, 28 Senators (and a majority of Representatives) thought it was yet proper that members of Congress could begin taking an "oath of office."

The original 1789 act perhaps provides insight into this matter. **Section 3** of that **1789 act** earlier discussed declares, in part:

> "That the members of the several State legislatures, and all executive and judicial officers of the several States, who shall be chosen or appointed after the said first day of August, shall, before they proceed to execute the duties of their respective offices, take the foregoing oath or affirmation, which shall be administered by the person or persons, who by law of the State shall be authorized to administer the oath of office."[25]

At the State level, one sees that the 1789 act directed "the members of the several State legislatures, and all executive and judicial officers of the several States" to take their "oath of *office*" before they were all to assume "*their respective offices*."

This seems to acknowledge, at the State level at least, that State legislative members hold or may yet hold an 'office'.

Senator Sumner similarly points out in The Congressional Globe that the State Constitutions for the States of Massachusetts, Vermont, New Jersey, and New York similarly held State legislative members being officers at least in some manner.[26]

It is therefore not necessarily uncommon at the State level to see legislative members in some manner holding 'offices'.

As such, at the State level — at least in a general case and on occasion — it doesn't seem to be in error to assert that State legislators may hold an office and therefore it doesn't appear improper for State legislative members to take an oath of office.

At the federal level, however, this is clearly not the case and the U.S. Constitution never refers to legislative members being government officers or ever even infers that legislative members may ever simultaneously hold an office under the United States.

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21. Vol. 61, House Journal, Pg 11 (38th Congress, 1st Session).

22. The Congressional Globe, 38th Congress, 1st Session, December 7, 1863, Page 1, Senate.

23. Volume 56, Senate Journal, Pages 109-110.

24. 38th Congress, 1st Session, Pg 319 @ 320 - 331.

25. Volume I, Statutes at Large, Pages 23 - 24.

26. The Congressional Globe, 38th Congress, 1st Session, December 7, 1863, Page 325.

Members Still Not Officers in 1876

The question of whether U.S. Senators and U.S. Representatives were considered government officers came up again in 1876 after Congress enacted a law prohibiting government officers from donating money for political purposes.

Questions as to whether this prohibition also forbade legislative members from donating money for political purposes led to a formal opinion on the matter from the Attorney General.

Attorney General Benjamin Harris Brewster initially stated in his opinion that:

> "Unquestionably the station of member of Congress (Senator or Representative) is a public office, taking these terms in a broad and general sense, and the incumbent thereof must be regarded as an officer of the Government in the same sense."[27]

This, of course, was the same opinion initially espoused by House Manager James Bayard as he attempted to convict Senator William Blount at the latter's 1798-1799 impeachment trial.

Of course, this espoused position was invalidated by the Senate sitting as the High Court of Impeachment in the Blount case.

Thus, Attorney General Brewster's comment that a "member of Congress…must be regarded as an officer" at least in a "broad and general sense" stands diametrically opposed to the Senate's express determination on the matter.

It is therefore without surprise that almost immediately after making such an erroneous but politically-favorable statement that members of Congress are officers in a general sense, Attorney General Brewster directly retreats from his initial position, detailing that:

> "But it seems that a member of Congress is not an officer of the United States in the constitutional meaning of the term…clauses show a marked discrimination between members of Congress and officers; the latter term, in the sense in which it is there used, not including legislators."[28]

Obviously, a "broad and general sense" can neither be "broad" nor "general" when it violates an express constitutional principle!

Although Attorney General Benjamin Harris Brewster obviously desired to reinforce the constitutionally-unsupportable view that members of Congress could be considered as officers, he nevertheless expressly admits that members of Congress cannot be considered as officers "in the constitutional meaning" of the term, i.e., in the only sense that matters legally.

At least Attorney General Brewster had sufficient integrity to candidly admit the Senate determination in the Blount case, that members of Congress are not officers (unlike numerous attempt today to muddle the ruling [knowing few people will ever read the original trial proceedings]), writing:

> "In the case of Blount, on an impeachment before the Senate in 1799, the question arose whether a Senator was a civil officer of the United States within the purview of the Constitution, and the Senate decided that he was not."[29]

Thus, well after enactment of the 1862 oath, after ratification of the 14th Amendment, and even after enactment of the 1868 oath, the Attorney General of the United States yet acknowledged that, constitutionally, legislative members are not and cannot be officers of the United States, period.

That members of Congress continue to take an oath to this day to "well and faithfully discharge the duties of the office on which [I am] about to enter" should thus strike 21st-century Americans as odd indeed (as it should have struck those as well from the 19th and 20th centuries).

Understanding the vast gulf of difference between the legislative branch and executive or judicial branches of government helps Americans understand this contrary dilemma of today's members of Congress taking an oath of office.

The widespread misunderstanding of Congress as a distinct entity of its own accord leads to extensive confusion, of Congress being viewed in oversimplification as one of three comparable and roughly co-equal branches of the government of the United States.

If one misunderstands Congress as but a simple entity, however, one may easily misunderstand the very relationship between the States and the United States.

Literally and most properly, the Congress of the United States of America is NOT an "entity," but first and foremost a "meeting" or an "event."

This is perhaps easiest understood by looking at one of our country's organic documents for clarification.

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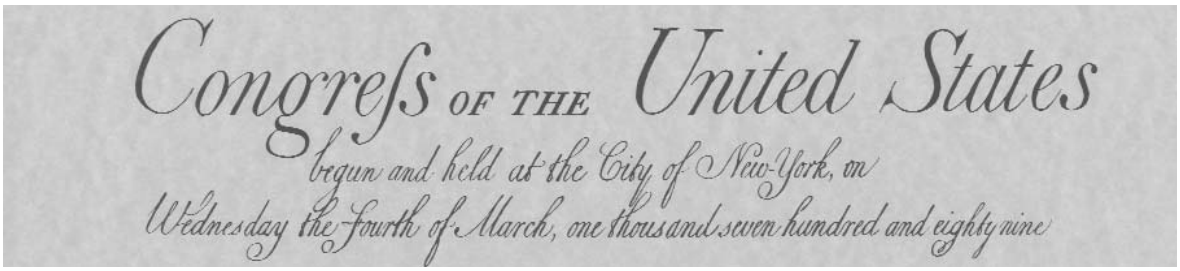
27. Volume 17, Official Opinions of the Attorneys-General of the United States, Page 419.

28. *Ibid.*, Page 420. Italics added.

29. *Ibid.*



If one looks at the **Bill of Rights**, for example, one finds that it commences with the following words:

> "Congress of the United States, begun and held at the City of New-York, on Wednesday the Fourth of March, one thousand seven hundred and eighty nine."

The Bill of Rights helps Americans understand the proper view of Congress being but an assembling together of the representatives of the sovereign States as they assemble together in a meeting for mutual concerns within predetermined parameters.

If one improperly holds Congress (or, more formally, the "Congress of the United States") as but an entity, however, then the Bill of Rights makes no sense, for an entity cannot really "begin" nor can it certainly ever be "held."

"Congress…*begun and held*…at New York" only makes sense when one properly understands "Congress" as a meeting, for "Entity…*begun and held*…at New York" makes no sense.

"Meeting…*begun and held*…at New York" makes perfect sense, as does "Event…*begun and held*…at New York."

So too does "Congress…*begun and held*…at New York" make sense, as long as one properly understands Congress as a meeting of the States through their elected Senators and Representatives.

Every legislative act since the first act dealing with oaths in 1789 begins with the phrase (underscore added/italics in original):

> "*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled*, That…"

Likewise, every joint resolution of Congress begins (underscore added/italics in original):

> *"Resolved, by the Senate and House of Representatives of the United States of America in Congress assembled,* That…"

Every legislative act and every legislative resolution confirms the literal reality that Senators and Representatives from the (now 50) sovereign States of the Union *assemble together in Congress*, in a meeting to discuss things of common concern amongst themselves within the parameters of our written Constitution.

The Constitution and every act of Congress are fully consistent with such concept of Congress being but a meeting of the States within the Union.

Article I, Section 4, Clause 2 of the Constitution directs that:

> "The Congress *shall assemble*…on the first Monday in December, unless they shall by Law appoint a different Day."

The Congress "shall assemble" indicates the literal assembling together of the meeting which is Congress.

This same clause also uses the plural pronoun "they" to refer back to Congress ("unless *they* shall by Law appoint a different Day").

This plurality of pronouns shows that Congress 'is' not an 'it', but 'are' a 'they;' not an entity, but a meeting together of the many representatives of the States who meet together in a Congress.

Article I, Section 7, Clause 2 of the Constitution indicates that if the President does not return a bill within ten Days, that the same shall be a law:

> "unless the Congress, by *their* Adjournment prevent its Return."

This clause likewise refers back to Congress in the plural form ("by *their* adjournment"), showing Congress to be a meeting of many members.

Article II, Section 2, Clause 2 of the Constitution provides further evidence of the plural nature of Congress:

> "Congress may by Law vest the Appointment of such inferior Officers, as *they* think proper, in the President alone, in the Courts of Law, or in the Heads of Departments."

Article II, Section 3 of the Constitution includes the detail that the President shall:

> "give to the Congress Information of the State of the Union, and recommend to *their* Consideration such Measures as he shall judge necessary and expedient."

These examples help people understand Congress as a meeting of the States (through their ambassadors, if you will), rather than as an entity of its own power and volition. Thinking in terms of "(members of) Congress are…" rather than "Congress is…" helps reinforce such concept.

The Constitution does point once to a singular concept of Congress, in **Article I, Section 1** when it states that all legislative Powers shall be "vested in a Congress of the United States of America."

It is therefore not necessarily improper to use this singular concept of a Congress, provided one understands it literally as "a meeting of the United States of America."

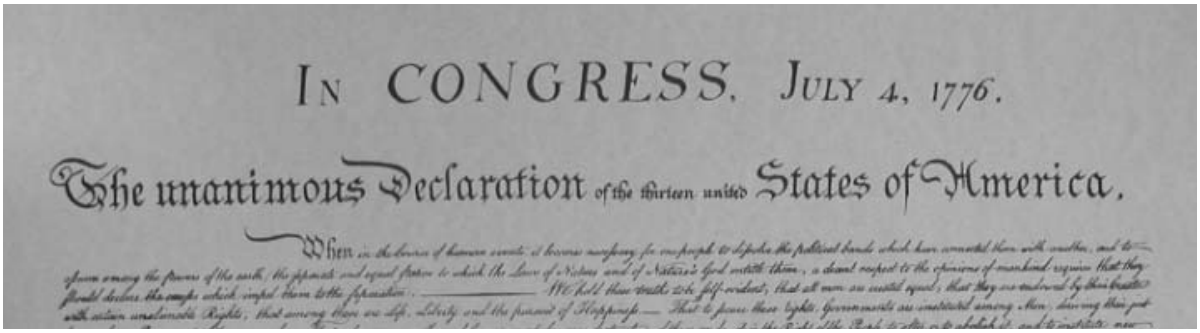
Part of the difficulty in grasping the proper understanding of the relationship of Congress and the States stems from the pervasive misunderstanding of the phrase "the United States" itself.

This phrase "United States," as used in the Constitution, is also a plural term — as in "these United States *are*…" and is not ever a singular term, as in "the United States *is*…"

This concept, regarding the United States, is of great and fundamental importance, for it strikes at the very heart of government acting with apparent disregard for the Constitution.

The United States as a plural concept is much easier to understand if one thinks "the united States" without the "u" in "United" capitalized (to hold it as an adjective modifying the noun, rather than as a proper noun).

It was in such form that the Declaration of Independence was actually styled: "The unanimous Declaration of the thirteen united States of America."


IN CONGRESS, JULY 4, 1776.

The unanimous Declaration of the thirteen united States of America.

When in the course of human events it becomes necessary for one people to dissolve the political bands which have connected them with another, and to

Not only did the Declaration of Independence discuss the concept of many United States, so did the **11th Amendment** to the Constitution:

> "The judicial Power of the United States shall not be construed to extend to any suit in Law or Equity, commenced or prosecuted against *one of the United States* by Citizens of another State, or by Citizens or Subjects of any Foreign State."

The 11th Amendment, that 1795 amendment whose history stands squarely at odds with the concept that the Constitution is whatever the majority of the Supreme Court declare that it is, clearly discusses the concept of a plurality of United States, when its refers to "*one* of the United States" — even well after ratification of the U.S. Constitution.

The idea that "these United States are..."; that "the United States" represent a plurality, is perhaps confusing, but is of vital importance.

Every instance where the Constitution indicates word form for the phrase "the United States," it indicates a plural term.

For instance, **Article I, Section 9, Clause 8** of the Constitution reads:

> "No Title of Nobility shall be granted by the United States: And no Person holding any Office of Profit or Trust under *them*, shall, without the Consent of the Congress, accept of any present, Emolument, Office, or Title, of any kind whatever, from any King, Prince, or foreign State."

The plural pronoun "them" in the Clause ("And no Person holding any Office of Profit or Trust under *them*…") refers back to "the United States," to the States united together under the Constitution.

The States in their separate and individual capacities are prevented from granting Titles of Nobility separately in Article I, Section 10, Clause 1, so Article I, Section 9, Clause 8 is not referring to the several States in their individual capacities.

Article III, Section 2, Clause 1 of the Constitution declares, in part:

> "The judicial Power shall extend to…the Laws of the United States, and Treaties made, or which shall be made, under *their* authority."

Since individual States are specifically prevented from entering treaties (again, by Article I, Section 10, Clause 1), this reference to "their" cannot possibly refer to the States in their separate capacities.

The **13th Amendment** to the Constitution shows the plural nature of the term even more clearly:

> "Neither slavery nor involuntary servitude, except as a punishment for crime whereof the party shall have been duly convicted, shall exist within the United States, or any place subject to *their* jurisdiction."

Article III, Section 3, Clause 1 of the Constitution provides the simplest, most direct example of the United States as a plural term, of the States united together. It reads, in part:

> "Treason against the United States, shall consist only in levying War against *them,* or in adhering to *their* Enemies, giving them Aid and Comfort."

The 'United States' is a plural term, as clearly signified by the use of the plural pronoun "them" and the possessive plural pronoun "their" in every instance within the Constitution where word form was indicated. The use of plural pronouns helps show the collective meaning of the United States to mean the States united together, rather than a singular entity of its own volition.

Properly understanding the terms "the United States" and "Congress of the United States" is helpful to understand the contrary action of members of Congress taking an oath "of office."

As we earlier discovered, U.S. Representatives and U.S. Senators must be yet performing their proper legislative duties (in addition to other duties less proper), or government under the Constitution would have ceased.

As we now know, these Senators and Representatives cannot also be holding offices under the United States as the Constitution understands that term, or they would be barred from exercising any legislative authority.

Is there some office, then, under some other power besides "under the United States" which they could yet hold under the Constitution, but which would not violate Article I, Section 6, Clause 2?

We saw that Senate and House offices would not necessarily violate Article I, Section 6, Clause 2, but there are simply too few of these offices (Speaker of the House, President Pro Tempore of the Senate, etc.) to account for the whole group of Senators and Representatives.

And besides, most of these legislative offices are not even filled by Senators or Representatives themselves (such as the Clerk of the House of Representatives, Secretary of the Senate, etc.).

We earlier saw that the Senate's 1799 ruling as the High Court of Impeachment ruled against House Manager Bayard's argument that even though Senators and Representatives weren't officers "under" the United States, that they should nevertheless still be considered as officers "of the United States."

The necessary implication of the ruling against this argument is that legislative seats are not offices; thus the oath of office taken by members of Congress cannot constitutionally point to an 'office' "of the United States."

Since we know "the United States" refers to the States united together under the Constitution (which obviously the Senators and Representatives represent), then it would be difficult for legislative members to accept an office which wasn't under the United States, yet which office was still enforceable by federal legislation.

The assertion that Senators and Representatives are nevertheless officers for purposes of their oath of office is an assertion which cannot therefore easily pass constitutional muster; and yet if it is an office as is therein declared, there must be some very unique set of circumstances involved.

Is there some other "office" possible under the Constitution which Senators and Representatives would not violate Article I, Section 6, Clause 2?

We saw that local State legislators — State Senators and State Representatives — at least on a State-by-State basis, could be considered as also holding some local office even as they were State legislative members.

However, State offices don't rest their authority on the U.S. Constitution (but instead on the various individual State Constitutions), so this possibility doesn't help explain how members of the Congress of the United States could hold an office yet somehow tied to the U.S. Constitution.

Is there any possible way for U.S. Senators and U.S. Representatives to also hold some "office" which isn't actually "under" or "of" the "United States", but yet is somehow connected to the U.S. Constitution?

Although a varied list of possible answers yet evades this author, he has nevertheless concluded that there remains but one plausible explanation (at least absent further information to the contrary).

The only answer as to which office under the U.S. Constitution could a U.S. Senator or U.S. Representative hold (besides the very limited number of legislative offices) without violating Article I, Section 6, Clause 2 could seemingly only involve offices under the exclusive legislative power of Congress for the district constituted as the seat of government of the United States under Article I, Section 8, Clause 17 of the U.S. Constitution.

In other words, the district serving as the seat of government of the United States (the District of Columbia) is not the United States, although it is yet created by express authority of the U.S. Constitution and therefore still pertains to the United States in a manner sufficient for a wide variety of purposes which evidently include members of Congress there holding a local office.

This District of Columbia was formed from cessions of Maryland and Virginia. With these cessions, governing authority transferred from the States to Congress; thus these States could no longer enact law within the ceded area.

And since local laws must there yet be enacted (it is not like murder, assault or robbery may there go without punishment, for example), someone must enact them.

Since Article I, Section 8, Clause 17 of the U.S. Constitution vests with Congress the power to exercise 'exclusive' legislation "in all Cases whatsoever" for the district serving as the seat of government, it is therefore the permanently-vested duty (and within the power) of Congress to there enact legislation which is far beyond the scope of laws normally enacted by them (because these laws aren't for the whole Union), even if they have temporarily-delegated any authority to a locally-elected council.

As we saw earlier, several States held that their local legislative members hold some local office in some capacity.

Thus, it wouldn't necessarily be in error in the district to have local offices for legislative members *who just also happen to be U.S. Senators and U.S. Representatives*.

These offices would not be "under" or "of" the "United States" as that term is understood by the Constitution (we earlier saw that the term "the United States" under the Constitution was a plural term referring to the [now 50] States united together under the purposes delineated in the Constitution).

In other words, the seat of government of the United States has all the parameters in place for members of Congress to hold a local office under the Constitution without violating Article I, Section 6, Clause 2.

Thus, it is entirely possible, without violating constitutional principles, for U.S. Senators and U.S. Representatives to hold a (local) office under the district constituted as the seat of government of the United States which isn't actually "under" or "of" the United States but is nevertheless created by the U.S. Constitution.

This United States — here speaking of the district serving as the seat of government of the United States — is properly considered an entity and is a singular concept (after all, this district doesn't represent the 50 States united together, but serves as the seat for the government of the United States, to best serve government offices and officers without undue State interference).

Whenever the United States is being referred to as an individual entity and the power attributed to it seems far beyond the spirit of the Constitution, it is this district serving as the seat of government of the United States and the exclusive legislative power of Congress to act "in all Cases whatsoever" within the authority described within Article I, Section 8, Clause 17 that is being referred to.

The Civil War era was the time during which the United States ceased being considered in their correct plural nature and started being referred to as a singular entity.

It was during this Civil War era when U.S. Senators and U.S. Representatives first began taking their oaths "of office" and when they began exercising powers never before practiced, seemingly in violation of the spirit of the Constitution (for instance, it was during this era when paper currencies were first held a legal tender).

Such matters of national legislative oaths "of office" and government action beyond the spirit of the Constitution are two peas of the same pod, rooted in the same plentiful power of Congress to enact exclusive legislation in all cases whatsoever for the government seat under Article I, Section 8, Clause 17 of the U.S. Constitution.

Members of Congress simply enact laws "in all Cases whatsoever" for the government seat under their local office and Americans at great cost to liberty and limited government improperly assume these laws apply to the whole country.

The oath "of office" taken by members of Congress constitutionally barred from holding any office under the United States is another compelling piece of evidence which helps better explain our Congress acting beyond normal constitutional parameters.

Our look into the curious oath "of office" taken by members of Congress constitutionally barred from likewise holding any office under or of the United States was meant to carefully examine this conflicting action, rather than be an in-depth look into the power of Congress to exercise exclusive legislation for the seat of government.

For further information on the exclusive legislative power of Congress to act in all Cases whatsoever over the government seat, please see the public domain works ***Drowning in Tyranny*** and ***Monetary Laws of the United States*** at www.PatriotCorps.org, or the public domain fiction novels also freely found there, ***Bald Justice*** and ***Base Tyranny***.